

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 2, 8, 10, 13 and 16 have been amended. No claims have been added or canceled. Thus, claims 1-22 are pending.

Claims 2, 8, 10, 13 and 16 were rejected as being indefinite. Claims 2, 8, 10, 13 and 16 have been amended to address the issues raised in the Office Action. Accordingly, Applicants request that the rejection of claims 2, 8, 10, 13 and 16 as being directed to non-statutory subject matter be withdrawn.

Claims 1, 2, 4, 5, 7-10, 12, 13 and 15-22 were rejected as being unpatentable over “An Interface Integrating Eye Gaze and Voice Recognition for Hands-Free Computer Access,” by Hatfield, et al., November 30, 1997 (*Hatfield*) in view of U.S. Patent No. 5,844,824 issued to Newman, et al. (*Newman*). For at least the reasons set forth below, Applicants submit that claims 1, 2, 4, 5, 7-10, 12, 13 and 15-22 are not rendered obvious by *Hatfield* and *Newman*.

Claim 1 recites:

receiving, from an eye interpretation engine, at least an interpretation of eyetracking data corresponding to *a plurality of users*;
receiving external context data corresponding the interactions of *the plurality of users* with an application, wherein the external context data is related to an operational state associated with a computing device running the application; and
dynamically modifying a characteristic of a graphical user interface of the application based, at least in part, on the interpretation of the eyetracking data and the external context data.

Thus, Applicants claim use of external context data and eyetracking data from a *plurality of users* to modify characteristics of a graphical user interface. Claims 4, 7, 9, 12 and 15

similarly recite various embodiments of use of external context data and eyetracking data from a plurality of users.

Hatfield discloses a user interface that utilizes both eye gaze data and voice recognition data. This allows a **single user** to interact with a computer system. *Newman* is cited to teach a system that can be responsive to multiple users. See Office Action at page 8. However, *Hatfield* is used to teach cursor control based on user eye movement. A cursor cannot be controlled by multiple users' eye movements because each user would move their eyes differently rendering the cursor useless.

Newman is similarly directed to response to eye input from a **single user**. Specifically, *Newman* is directed to a wearable computer. See Figure 1. As with *Hatfield*, input from multiple users would render the device of *Newman* useless. The Office Action states that the references show input from one or more users. However, there is no citation to that teaching in either reference. Thus, Applicants submit that both references **teach away** from use of eyetracking data from multiple users as explicitly recited in the claims. Therefore, no combination of references can teach or suggest the invention as recited in the claims.

Claims 2, 3 and 17 depend from claim 1. Claims 5, 6 and 18 depend from claim 4. Claims 8 and 19 depend from claim 7. Claims 10 and 20 depend from claim 9. Claims 13 and 21 depend from claim 12. Claim 22 depends from claim 15. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 2, 5, 8, 10, 13 and 16-22 are not anticipated by *Hatfield* for at least the reasons set forth above.

Claims 3, 6, 11 and 14 were rejected as being unpatentable over *Hatfield* and *Newman* in view of U.S. Patent No. 6,608,615 issued to Martins, et al. (*Martins*). As discussed above, no combination of *Hatfield* and *Newman* discloses modifying a graphical user interface based on information from multiple users and external context information. *Martins* is cited to teach monitoring areas not viewed. Without agreeing with the characterization, Applicants submit that even if the assertion is accurate, *Martins* does not cure the deficiencies of *Hatfield* and *Newman* set forth above. Therefore, the resulting combination does not teach or suggest the invention as claimed in claims 3, 6, 11 and 14.

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-22 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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/Paul A. Mendonsa/
Paul A. Mendonsa
Attorney for Applicant
Reg. No. 42,879

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 439-8778